

REMARKS

This is a full and timely response to the outstanding non-final Office Action mailed December 16, 2004. Upon entry of the amendments in this response, claims 1, 42 – 81 remain pending. In particular, Applicants amends claim 1, adds claims 42 – 81, and cancels claims 2 – 41 without prejudice, waiver, or disclaimer. Applicants cancel claims 2 – 41 merely to reduce the number of disputed issues and to facilitate early allowance and issuance of other claims in the present application. Applicants reserve the right to pursue the subject matter of these canceled claims in a continuing application, if Applicants so choose, and do not intend to dedicate the canceled subject matter to the public. Reconsideration and allowance of the application and presently pending claims are respectfully requested. In addition, Applicants do not intend to make any admissions regarding any other statements in the Office Action that are not explicitly referenced in this response.

I. Election/Restrictions

The Office Action indicates that restriction to one of the following inventions is required under 35 U.S.C. § 121:

I. Species I: Claims 1 – 22, drawn to a terminal for causing the display of program guide related information, classified in class 725, subclass 43.

II. Species II: Claims 23 - 38 drawn to method of assigning a category to at least one channel of a plurality of channels and receiving a table relating binary numbers to channels, classified in class 725, subclass 45.

III. Species III: Claims 39 - 41 drawn to a method of restricting a search and display of available channels, classified in class 725, subclass 27.

During a telephone conversation with Brook Lafferty on November 23, 2004 a provisional election was made with traverse to prosecute Group I, claims 1 – 22. Applicants hereby affirm this election, prosecuting claims 1 – 22.

II. Examiner Interview

Applicant first wishes to express his sincere appreciation for the time that Examiners Nalevanko and Tran spent with Applicant's Attorney Anthony Bonner and inventor Arturo Rodriguez during a telephone discussion on March 14, 2005 regarding the outstanding Office Action. During that conversation, Examiner Nalevanko seemed to indicate that it would be potentially beneficial for Applicant to make amendments that more clearly define patentable subject matter. More specifically, in discussing the claimed invention in light of the *LaJoie* reference, Examiner Nalevanko seemed to indicate that including a limitation that more clearly defining “program guide related information” would be potentially beneficial. In addition, Examiner Nalevanko seemed to indicate that more clearly defines “category assignment” would be potentially beneficial. Thus, Applicant respectfully requests that Examiner Nalevanko carefully consider this response and the amendments.

IV. Amendments to the Drawings

Applicants amend FIG. 5, by replacing “52” in element 315 with “53.” Applicants submit that no new matter is added.

V. Rejections Under 35 U.S.C. §102

A proper rejection of a claim under 35 U.S.C. §102 requires that a single prior art reference disclose each element of the claim. *See, e.g., W.L. Gore & Assoc., Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303, 313 (Fed. Cir. 1983).

A. Claims 1 – 22 are Patentable Over LaJoie

1. Claim 1 is Patentable Over LaJoie

The Office Action indicates that claim 1 stands rejected under 35 U.S.C. §102(b) as being anticipated by U.S. patent number 5,850,218 to LaJoie (“LaJoie”). In response, Applicants amend claim 1 to recite:

In a television, a terminal for displaying television program information and television programs, said terminal comprising:

an interface to the television network, said interface being capable of receiving a first data, said first data including respective program information for a plurality of corresponding television programs;

a memory configured for storing the first data and a second data, said second data different than the first data, *said second data comprising a plurality of assigned categories to television channels*; and

a processor, coupled to the memory, for causing the display of program information corresponding to a first portion of the first data, said first portion of the first data corresponding to at least one television channel being determined by a corresponding assigned category in the second data.

Applicants respectfully submit that LaJoie fails to disclose, teach, or suggest at least a terminal comprising “...a memory configured for storing the first data and a second data, said second data different than the first data, *said second data comprising a plurality of assigned categories to television channels*,” as recited in claim 1, as amended.

Applicants submit that *LaJoie* fails to disclose, teach, or suggest all of the limitations of claim 1, as amended. More specifically, *LaJoie* teaches ***assigning a channel to a category*** and assigning a content category to an individual program. In contrast, one aspect of claim 1, as amended includes assigning ***categories to channels***. There is no teaching or suggestion in *LaJoie* of ***assigning a category to a channel***. One of ordinary skill in the art would assign a channel to a category and store a listing of the channels assigned to the category. The content categories of *LaJoie* are associated with and assigned to the hundreds of program records for each of the hundreds of channels in the television system. Claim 1, as amended performs an opposite operation and assigns a category to a channel as a whole. Among other advantages, the user can select and edit his or her preferences from a subset of the hundreds of channels, rather than having to scroll through the hundreds of channels to try and find similar content channels to establish one or two sub-groups. In addition, from a user interface perspective, the hundreds of channels can already be grouped into content related subsets for the user. This functionality can result in quicker access to a desired channel for the user.

2. Claims 2 – 22 are Patentable Over *LaJoie*

The Office Action indicates that claims 2 – 22 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. patent number 5,850,218 to *LaJoie* (“*LaJoie*”). Applicants cancel claims 2 – 22 and submit that this rejection is moot.

B. New Claims 42 – 81 are Allowable

Applicants add new claims 42 – 81 and submit that these claims are allowable for at least the reason that the cited art fails to disclose, teach, or suggest all of the limitations recited therein.

CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicants respectfully submit that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims 1, 42 – 81 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,



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